

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-40253-FDS

DAVID BREMNER, Individually and as Father)
and Next Friend of MOLLY BREMNER, and)
VICKI BAKER,)
Plaintiffs)

vs.)

A.B. CHANCE COMPANY and HUBBELL)
INCORPORATED,)
Defendants)

DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT

1. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 1 of Plaintiffs' Complaint.
2. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 2 of Plaintiffs' Complaint.
3. The Defendants admit the allegations contained in Paragraph 3 of Plaintiffs' Complaint.
4. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 4 of Plaintiffs' Complaint.
5. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 5 of Plaintiffs' Complaint.
6. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 6 of Plaintiffs' Complaint.
7. The Defendants admit the allegations contained in Paragraph 7 of Plaintiffs' Complaint.
8. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 8 of Plaintiffs' Complaint.

9. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 9 of Plaintiffs' Complaint.
10. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 10 of Plaintiffs' Complaint.
11. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 11 of Plaintiffs' Complaint.
12. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 12 of Plaintiffs' Complaint.
13. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 13 of Plaintiffs' Complaint.

COUNT I
NEGLIGENCE - ALL DEFENDANTS

14. The Defendants repeat and restate their answers to Paragraphs 1 through 13 of Plaintiffs' Complaint as if fully set out herein.
15. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 15 of Plaintiffs' Complaint.
16. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 16 of Plaintiffs' Complaint.
17. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 17 of Plaintiffs' Complaint.
18. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 18 of Plaintiffs' Complaint.
19. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 19 of Plaintiffs' Complaint.
20. The Defendants deny the allegations contained in Paragraph 20 of Plaintiffs' Complaint.

21. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 21 of Plaintiffs' Complaint.
22. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 22 of Plaintiffs' Complaint.
23. The Defendants deny the allegations contained in Paragraph 23 of Plaintiffs' Complaint.
24. The Defendants deny the allegations contained in Paragraph 24 of Plaintiffs' Complaint.
25. The Defendants deny the allegations contained in Paragraph 25 of Plaintiffs' Complaint.
 - a. The Defendants deny the allegations contained in Paragraph 25(a) of Plaintiffs' Complaint.
 - b. The Defendants deny the allegations contained in Paragraph 25(b) of Plaintiffs' Complaint.
 - c. The Defendants deny the allegations contained in Paragraph 25(c) of Plaintiffs' Complaint.
 - d. The Defendants deny the allegations contained in Paragraph 25(d) of Plaintiffs' Complaint.
 - e. The Defendants deny the allegations contained in Paragraph 25(e) of Plaintiffs' Complaint.
 - f. The Defendants deny the allegations contained in Paragraph 25(f) of Plaintiffs' Complaint.
 - g. The Defendants deny the allegations contained in Paragraph 25(g) of Plaintiffs' Complaint.
 - h. The Defendants deny the allegations contained in Paragraph 25(h) of Plaintiffs' Complaint.

- i. The Defendants deny the allegations contained in Paragraph 25(i) of Plaintiffs' Complaint.
 - j. The Defendants deny the allegations contained in Paragraph 25(j) of Plaintiffs' Complaint.
26. The Defendants deny the allegations contained in Paragraph 26 of Plaintiffs' Complaint.

COUNT II
BREACH OF WARRANTY - ALL DEFENDANTS

27. The Defendants repeat and restate their answers to Paragraphs 1 through 27 of Plaintiffs' Complaint as if fully set out herein.
28. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 28 of Plaintiffs' Complaint.
29. The Defendants deny the allegations contained in Paragraph 29 of Plaintiffs' Complaint.
30. The Defendants deny the allegations contained in Paragraph 30 of Plaintiffs' Complaint.
31. The Defendants deny the allegations contained in Paragraph 31 of Plaintiffs' Complaint.

COUNT III
MISREPRESENTATION - ALL DEFENDANTS

32. The Defendants repeat and restate their answers to Paragraphs 1 through 31 of Plaintiffs' Complaint as if fully set out herein.
33. The Defendants deny the allegations contained in Paragraph 33 of Plaintiffs' Complaint.
34. The Defendants deny the allegations contained in Paragraph 34 of Plaintiffs' Complaint.

35. The Defendants deny the allegations contained in Paragraph 35 of Plaintiffs' Complaint.

COUNT IV
BREACH OF CONTRACT - ALL DEFENDANTS

36. The Defendants repeat and restate their answers to Paragraphs 1 through 35 of Plaintiffs' Complaint as if fully set out herein.
37. The Defendants deny the allegations contained in Paragraph 37 of Plaintiffs' Complaint.
38. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 38 of Plaintiffs' Complaint.
39. The Defendants deny the allegations contained in Paragraph 39 of Plaintiffs' Complaint.
- a. The Defendants deny the allegations contained in Paragraph 39(a) of Plaintiffs' Complaint.
 - b. The Defendants deny the allegations contained in Paragraph 39(b) of Plaintiffs' Complaint.
 - c. The Defendants deny the allegations contained in Paragraph 39(c) of Plaintiffs' Complaint.
 - d. The Defendants deny the allegations contained in Paragraph 39(d) of Plaintiffs' Complaint.
 - e. The Defendants deny the allegations contained in Paragraph 39(e) of Plaintiffs' Complaint.
 - f. The Defendants deny the allegations contained in Paragraph 39(f) of Plaintiffs' Complaint.
 - g. The Defendants deny the allegations contained in Paragraph 39(g) of Plaintiffs' Complaint.

- h. The Defendants deny the allegations contained in Paragraph 39(h) of Plaintiffs' Complaint.
 - i. The Defendants deny the allegations contained in Paragraph 39(i) of Plaintiffs' Complaint.
 - j. The Defendants deny the allegations contained in Paragraph 39(j) of Plaintiffs' Complaint.
40. The Defendants deny the allegations contained in Paragraph 40 of Plaintiffs' Complaint.

COUNT V
STRICT LIABILITY - ALL DEFENDANTS

41. The Defendants repeat and restate their answers to Paragraphs 1 through 40 of Plaintiffs' Complaint as if fully set out herein.
42. The Defendants deny the allegations contained in Paragraph 42 of Plaintiffs' Complaint.
- a. The Defendants deny the allegations contained in Paragraph 42(a) of Plaintiffs' Complaint.
 - b. The Defendants deny the allegations contained in Paragraph 42(b) of Plaintiffs' Complaint.
 - c. The Defendants deny the allegations contained in Paragraph 42(c) of Plaintiffs' Complaint.
 - d. The Defendants deny the allegations contained in Paragraph 42(d) of Plaintiffs' Complaint.
 - e. The Defendants deny the allegations contained in Paragraph 42(e) of Plaintiffs' Complaint.
 - f. The Defendants deny the allegations contained in Paragraph 42(f) of Plaintiffs' Complaint.

- g. The Defendants deny the allegations contained in Paragraph 42(g) of Plaintiffs' Complaint.
 - h. The Defendants deny the allegations contained in Paragraph 42(h) of Plaintiffs' Complaint.
 - i. The Defendants deny the allegations contained in Paragraph 42(i) of Plaintiffs' Complaint.
 - j. The Defendants deny the allegations contained in Paragraph 42(j) of Plaintiffs' Complaint.
43. The Defendants deny the allegations contained in Paragraph 43 of Plaintiffs' Complaint.

COUNT VI
VIOLATION OF G.L. c. 93A - ALL DEFENDANTS

44. The Defendants repeat and restate their answers to Paragraphs 1 through 43 of Plaintiffs' Complaint as if fully set out herein.
45. The Defendants deny the allegations contained in Paragraph 45 of Plaintiffs' Complaint.
46. The Defendants deny the allegations contained in Paragraph 46 of Plaintiffs' Complaint.
47. The Defendants deny the allegations contained in Paragraph 47 of Plaintiffs' Complaint.

COUNT VII
LOSS OF SPOUSAL SOCIETY AND CONSORTIUM

48. The Defendants repeat and restate their answers to Paragraphs 1 through 47 of Plaintiffs' Complaint as if fully set out herein.
49. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 49 of Plaintiffs' Complaint.
50. The Defendants deny the allegations contained in Paragraph 50 of Plaintiffs' Complaint.

51. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 50 of Plaintiffs' Complaint.

COUNT VIII
LOSS OF PARENTAL SOCIETY

52. The Defendants repeat and restate their answers to Paragraphs 1 through 51 of Plaintiffs' Complaint as if fully set out herein.
53. The Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph 53 of Plaintiffs' Complaint.
54. The Defendants deny the allegations set forth in Paragraph 54 of Plaintiffs' Complaint.

WHEREFORE, the Defendants, A.B. Chance Company and Hubbell, Incorporated, hereby pray this Honorable Court dismiss Plaintiffs' Complaint and award judgment in their favor together with attorneys' fees, costs and such other relief as this Court may deem meet and just.

THE DEFENDANTS DEMAND A TRIAL BY JURY ON ALL ISSUES

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Defendants state that the process of the Plaintiffs was insufficient and, therefore, Defendants moves for dismissal Fed.R. Civ. P. 12(b)(4).

SECOND AFFIRMATIVE DEFENSE

The Defendants state that the service of process of Plaintiffs was insufficient and, therefore, Defendants move for dismissal under Fed.R. Civ. P. 12(b)(5).

THIRD AFFIRMATIVE DEFENSE

The Defendants state that the Plaintiffs' Complaint fails to state a claim upon which relief can be granted and, therefore, moves for dismissal of this action pursuant to Fed.R. Civ. P. 12(b)(6).

FOURTH AFFIRMATIVE DEFENSE

The Defendants state that the Plaintiffs did not bring their Complaint within the time limit provided by the Statute of Limitations and, therefore, Plaintiffs' claim is barred by the terms of that Statute.


FIFTH AFFIRMATIVE DEFENSE

The Defendants state that if the negligence of Defendants was greater than the negligence of Plaintiff, then the damages assessable against the Defendants should be reduced by the percentage of negligence attributable to the Plaintiff, under the provisions of M.G.L. c. 231, §85.

THE DEFENDANTS CLAIM A TRIAL BY JURY ON ALL ISSUES.

The Defendants
By their attorneys,

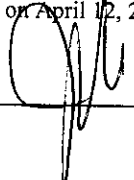
WYNN & WYNN, P.C.



John A. Walsh BBO#560072
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on April 12, 2005.



John A. Walsh